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NO. 3069 P. 21

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Application No. 10/817,622

Reply to Office Action

REMARKS

New claim 75 has been added and is directed to an embodiment of the invention. Claim 75 is supported by Fig. 2. No new matter has been added.

The Office Action sets forth a restriction requirement and species election requirement. Reconsideration is requested in view of the following remarks.

Applicants elect with traverse Group III for further prosecution. The available evidence does not justify the restriction requirement. It is likely that the search results would overlap significantly. There does not appear to be a serious burden on the Examiner to search and examine all the claims together in one application. Accordingly, applicants respectfully request withdrawal of the restriction requirement.

Applicants elect the following cell protection factor species:

Pifithrin- β shown in Figure 2.

Claim 75 reads on the elected species. Other claims of Group III are generic.

Applicants have not canceled the product claims for a possible rejoinder with method of use claims.

A favorable decision is solicited. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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